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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/069,320

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Marko Siiskonen

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ALSTON & BIRD LLP

BANK OF AMERICA PLAZA

101 SOUTH TRYON STREET, SUITE 4000

CHARLOTTE, NC 28280-4000

EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/069,320

Applicant(s)

SIISKONEN ET AL.

Examiner

QUYNH H. NGUYEN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE and amendment filed 6/25/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1, 2, 6, 7, 12, 15, 16, 18-22, 25-27, 44 and 46-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 7, 12, 15, 16, 18-22, 25-27, 44 and 46-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's RCE and amendment filed 06/25/08 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-45 are still pending in this application, with claims 1,20, 25, and 44 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

3. Claim 19 is objected to because of the following informalities: claim 19 depends on canceled claim 14. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 44 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application

producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims 44, claims the non-statutory subject matter of a computer program product.

Claim Rejections - 35 USC § 103

5. Claims 1-2, 6, 12, 15, 18-19, 20-21, 25-27, 44, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamagawa et al. (US Patent 5,657,382) in view of Shen et al. (US 2001/0010691).

As to claims 1 and 48, Tamagawa teaches a method comprising: forwarding a call from a calling party (col. 4, line 27) to a destination (col. 4, lines 38-42 - *terminal 7A*) defined by a call forwarding party (col. 4, lines 34-38 - *terminal 6A*); establishing content of a notification about the forwarded call; sending the notification by a service of a communication network to a terminal of the call forwarding party (see abstract - *first terminal*).

Tamagawa does not teach sending notification to a terminal of the call forwarding party when a break-off condition is fulfilled; and sending a message to the terminal of the call forwarding party indicating whether to accept or refuse a continuation of the forwarding.

Shen teaches a break-off condition of the forwarded call is predefined by a user of the terminal, and the notification is sent when the break-off condition is fulfilled, after which the method further comprises the step of accepting or refuse a continuation

of the forwarded call (page 5, [0035] - *where Shen discussed prompting the user with selection menu options of accepting a call forwarding / refusing a break-off condition of the forwarded call or routing the incoming call to a destination, i.e., answering machine;* and page 4, [0029] - *where Shen discussed the user accept a break-off condition of the forwarded call and the subscriber can accept the incoming call*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Shen into the teachings of Tamagawa thus making the system more efficient by allowing the user or subscriber to control of the enabling and disabling the call forwarding in order to better handling the incoming calls based on his or her schedule.

As to claims 2 and 21, Tamagawa et al. teaches the content comprises information about at least one of a calling party number (col. 5, lines 8-13), a call duration, a time of forwarding, a call charge and a number to which the call has been forwarded.

As to claim 6, Tamagawa does not teach sending of the notification is performed by utilizing a packet data bearer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate intelligent and packet network into the teachings of Tamagawa in order to have a more efficient system with a wide variety of networks environment.

As to claim 12, Tamagawa et al. teaches the content includes at least part of the conditions that have resulted in the call forwarding (col. 2, line 65 through col. 3, line 2; col. 4, lines 27-38).

As to claim 15, Tamagawa and Shen do not teach the breaking-off condition is one of a maximal call charge and maximal call duration. Maximal call charge is one of the breaking-off condition is well known and the advantage of using it is also well know. For example, if one exceeds the maximum money on calling card then breaking-off condition will occur.

As to claim 18, Tamagawa teaches the forwarded call is cleared if there is no answered within a specified time (col. 10, lines 37-57).

As to claims 19 and 27, Shen et al. teaches an input to the terminal in reaction to the prompting is manually and automatically performed by the user (page 5, [0035]).

As to claims 20 and 47, Tamagawa et al. teaches determining a calling party number (col. 5, lines 8-13); a device for measuring a call duration of a forwarding call (col. 4, lines 2-5; col. 5, lines 8-13; col. 6, lines 33-38 - *where Tamagawa discussed transferring call transfer information, hence it would have been obvious that a call duration of a forwarding call is one of the call transfer information*); and include in the notification at least a type of forwarding (col. 5, lines 6-13).

Claims 25 and 46 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Tamagawa teaches a processor (col. 6, lines 44-53) configured to perform the steps of the claim.

As to claim 26, Tamagawa et al. teaches the processor is configured to process data corresponding to the content of the notification (see abstract).

Claim 44 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Tamagawa et al. teaches a computer program product comprises a computer readable storage medium having computer readable program codes to perform the steps of claim 44 (col. 6, lines 44-53).

6. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamagawa and Shen and further in view of Pepper et al. (U.S. Patent 5,930,700).

As to claims 7 and 22, Tamagawa and Shen do not teach the type notification comprises speech transmission of a voice processing server.

Pepper et al. teaches notifying / alerting the subscriber (col. 12, lines 35-41) via the subscriber's PCS connected to a wireless communications network such as Short Message service Unstructured Supplementary Service Data, voice processing server, and within a mobile network and Wireless Telephony Applications server (col. 8, lines 35-52; col. 1, line 65 through col. 2, line 61; col. 2, lines 42-46 - *where Pepper discussed the PDA (communicates with the GUI to alert the subscriber- col. 6, lines 1-*

5) *connected to a wireless communications network which provides voice and other types of communication, i.e. short message).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Pepper into the teachings of Tamagawa and Palviainen thus making the system more efficient and diverse by notifying the subscriber via different types of communications such as e-mail, facsimile, Short Message Service, etc.

7. Claims 16 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamagawa and Shen and further in view of Brennan et al. (U.S. Patent 5,329,578).

As to claim 16, Tamagawa and Shen do not teach the breaking-off condition depending on the calling party number including the possibility that no break-off condition exist for some certain calling party numbers.

Brennan teaches depending on the calling party number to provide special call treatment or not. For example, calls are forwarded to message system, operator, or subscriber for receiving special treatment (col. 2, lines 17-21 and lines 45-49; col. 4, line 68 through col. 5, line 37; col. 12, lines 15-21).

Selective call forwarding is an old and well-known telephony feature, and the advantage of using it is also well known. For example, the user / subscriber forward all incoming calls except for important calls from his or her boss, spouse, or emergency calls.

Claim 49 is rejected for the same reasons as discussed above with respect to claims 48 and 16.

Response to Arguments

8. Applicant's arguments with respect to claims 2, 6-7, 12, 15-16, 18-22, 25-27, 44, and 46-49 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that independent claims 1, 25, 44, 46, and 48-49 recites sending a notification... when a break-off condition is fulfilled. Cited references Tamagawa, Palvianen, and Pepper do not teach the above feature(s). Applicant's arguments are moot in view of new ground(s) of rejection because Tamagawa in view of Shen are necessitate by the amendment; and Palvianen reference no longer applied.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 272-573-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/Quynh H Nguyen/

Primary Examiner, Art Unit 2614